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2022 FEB 28 PM 3:02

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

2022 FEB 28 AM 10:15

U.S. DISTRICT APPEALS

SECOND CIRCUIT

Alishia Anderson

Write the full name of each plaintiff.

____ CV ____

(Include case number if one has been assigned)

-against-

Schneider National Inc.
Scott Tomick

COMPLAINT

Do you want a jury trial?

☐ Yes ☒ No

Write the full name of each defendant. If you need more space, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section II.

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case?

☒ Federal Question

☐ Diversity of Citizenship

A. If you checked Federal Question

Which of your federal constitutional or federal statutory rights have been violated?

Discrimination of sex in the workplace.

B. If you checked Diversity of Citizenship

1. Citizenship of the parties

Of what State is each party a citizen?

The plaintiff, _____, is a citizen of the State of _____
(Plaintiff's name)

(State in which the person resides and intends to remain.)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of _____

If more than one plaintiff is named in the complaint, attach additional pages providing information for each additional plaintiff.

If the defendant is an individual:

The defendant, Scott Tomick, is a citizen of the State of
(Defendant's name)

New York

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of

If the defendant is a corporation:

The defendant, Schneider National Inc., is incorporated under the laws of
the State of Wisconsin

and has its principal place of business in the State of Wisconsin

or is incorporated under the laws of (foreign state) _____

and has its principal place of business in Green Bay, WI

If more than one defendant is named in the complaint, attach additional pages providing information for each additional defendant.

II. PARTIES

A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

Alishia Anderson
First Name Middle Initial Last Name

140 Hudson Ave Apt 21
Street Address

Poughkeepsie NY 12601
County, City State Zip Code

(347) 385-4460 a_alishia1982@yahoo.com
Telephone Number Email Address (if available)

B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

Defendant 1:

Scott

Tomick

First Name

Last Name

Driver Business Leader

Current Job Title (or other identifying information)

901 Neelytown, RD

Current Work Address (or other address where defendant may be served)

Montgomery

NY

12549

County, City

State

Zip Code

Defendant 2:

Schneider National Inc.

First Name

Last Name

Current Job Title (or other identifying information)

3101 Packerland Dr.

Current Work Address (or other address where defendant may be served)

Greenbay

WI

54313

County, City

State

Zip Code

Defendant 3:

First Name

Last Name

Current Job Title (or other identifying information)

Current Work Address (or other address where defendant may be served)

County, City

State

Zip Code

Defendant 4:

First Name

Last Name

Current Job Title (or other identifying information)

Current Work Address (or other address where defendant may be served)

County, City

State

Zip Code

III. STATEMENT OF CLAIM

Place(s) of occurrence: Framington CT, Schrewsbury MA, Montgomery NY

Date(s) of occurrence: 2/22/2021, 4/7/2021, 4-5/2021, 7/14/2021, 7/15/2021

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and what each defendant personally did or failed to do that harmed you. Attach additional pages if needed.

SEE ATTACHED 2 page F/B

See attached.

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

No physical injuries only emotional and mental.

IV. RELIEF

State briefly what money damages or other relief you want the court to order.

I should be compensated for pain and suffering, for damages of a huge company covering for a driver leader to mistreat a female and treat her differently in a predominantly male environment. Mr. Tomick was allowed to constantly mistreat me and Schneider National was fully aware of my statements and complaints. Mr. Tomick should be stripped of his title.

Being the only female on his fleet Mr. Tomick blatantly treated me differently from the men drivers. On 2/22/2021 I was running out of (HOS) during a winter storm in New England. Mr. Tomick fabricated a story telling me I was given permission to park my loaded commercial vehicle in a store front lot. Once I got there it was a medical building and once I made the turn I realized I couldn't and shouldn't go any further so I was forced to back out into a road way without a spot. I then called this "so called business thinking I may be in the wrong place. She then told me they have no store front and no one called her. I was then forced to park my tractor trailer in a "No Commercial Vehicles allowed Tow Away zone" at this point I was already out of hours. I worried all night about my truck being towed and me getting terminated. I spoke with my Regional Manager Ms Noreen Lamont she told me nothing was communicated to her at all and yes my truck could've been towed. And she didn't understand why he would lie.

On 4/7/2021 my truck had to go into the shop in Shrewsbury, MA and maintenance notified me that they would have to keep it and I would take a loaner back until it was fixed. I communicated with my Regional Manager Ms Lamont and she said okay be safe. I got only as far as exit 2 on the Mass Pike when the truck began to brake down. I called and told them I can make it back to the shop doing 45mph. Once back it was already getting late and my (HOS) were getting low. Once back at the Schneider terminal located at 215 Memorial Dr. Shrewsbury, MA 01545 I spoke with my Regional Manager Ms. Lamont she informed me she was going home for the day and Ms Tomick would be there. He was informed to put me in hotel and I would use the loaner vehicle at the terminal but at this time being at the terminal hours I realized everyone was gone I called Mr. Tomick and told him. None of what Ms Noreen told Mr Tomick to do happened. I was left alone for hours in the dark in an industrial area. He placed me in a motel infested with prostitution and drugs. There was no way to get food being after 10pm. I waited for a Uber that he so called got me and no one came. I then downloaded Uber myself set up an account and finally got a ride. I had 20min to get somewhere to get feminine products and something to sleep in and etc. my truck was locked up and I had nothing. I called Ms Noreen early AM the next morning about 6:30am crying I explained to her what he did and she was very upset stating "he knows better and knows we do not use a Motel we use hotels and he knows which ones we use". Mr Tomick once again never even communicated to Ms Lamont whether or not I even made it back or where I was. Ms Lamont then said "I'm so sorry Alishia" I can't imagine what you went through. I told her about everything I seen at the hotel and was scared to even sleep. There were no Ubers all night so I can leave I was unable to get to the terminal until after 7:30am because there were no Ubers available. I was told by Mr. Tomick I would not be reimbursed because I needed to get to Walmart for items or anything. I called, texted and send my boyfriend my location videos and all I was scared I told him everything as things were happening even from no Uber and etc. the motel he placed me in was the Econo Lodge located at 380 US-20 Northborough, MA 01532.

Another incident occurred around April/May 2021 I don't remember the exact day I do know my truck was in the shop at Campbell Freightliner in Montgomery, NY and that day it was ready for pick-up. Once I pulled into my account terminal Home Depot #5920 at 601 Neelytown Rd, Montgomery, NY. Mr. Tomick walked up to me while I was still checking in my trailer with security and told me to run a Middletown swap I immediately said "No it only pays \$35 I don't need the change". He then replied like \$38 I said no. I dropped my trailer did my post trip signed off then I was taken to Freightliner to pick up my truck and once back I left the yard. I found out the next morning once I reported to work and signed in that I had a Middletown so I'm thinking okay I can

run this one first then call to my 2 stop loss. I walked into the office to tell Ms. Lamont know and I was told. "What happened yesterday?" "Scott said you was going to run the Middletown he convinced you to do it". I immediately said Ms. Noreen at the security gate I told him no check with the guards the video and if they have sound. I would never not run a load if it's assigned. I would've been terminated for this. He lied to the Regional Manager then went home. The next week one of the Te Trainers for Schneider National Inc on the same Home Depot account out of #5920 located at 601 Neelytown Rd, Montgomery, NY named Glenn came up to me and let me know a lot of people are hearing what Scott (Mr Tomick) has been doing to me and he suggests I ask Ms Noreen to have a meeting with Scott present and just be professional but I need to stick up for myself cause it's not right that he has it out for me". Ms Lamont started telling a few of the trainers Sean and Glenn whats been going on and they said something needs to be done. I then began recording all encounters.

On 7/14/2021 I called out of work due to a family emergency later that day Mr Tomick texted me " you working tomorrow" I replied yes. This week in particular Ms Lamont was away due to a family emergency and Mr. Tomick was in charge. That same day I looked at my tablet to see my assignment so I know what time I want to be in for work. Mr Tomick then once again began to prove his treatment towards me being the only female driver on the fleet and how different it was with the male drivers. He assigned me a run that would make me approximately \$80-90 for the day. Mr Tomick knows I am. "Regional mileage driver" so I would get the first dibs on the better paying runs as compared to the dedicated daily account drivers. I then texted Mr Tomick and told him he knows that's no money and I don't get paid for driving an empty trailer. I then didn't even respond afterwards. After about 9:00pm I got a few missed called and texts from Mr Tomick offering me a 2 stop run. Our account rarely works late PM so we don't really have to communicate with anyone so I'm thinking he should be calling me at this time anyway. I found out the next morning when I reported that I had no run at all and the run he offered me at 9:00pm belonged to a fellow male dedicated daily driver named Arkese. He came up to me and explained to me that he told them he would get back late from the airport as he went on vacation to Puerto Rico. He then told me my run was given to him and I realized them Mr Tomick have Arkese 2-stop run to another driver and gave me nothing. I then became upset and this point I had enough I went inside the office and confronted Mr Tomick with what I knew. He said then "okay and you called out yesterday so"! I immediately felt it was payback and I responded with yes I did but you asked me was I working today and I told you yes you know I don't get paid for hauling empty trailers and Ms Noreen does not run the operation like this and you know that"! He then stated "clearly and ?"! I was very upset I then used profanity at this time and told him this is BS you can write me up for refusal whatever I'm going home"! He then said "bye" I wasn't given no runs from Thursday-Monday I sat home with no pay over 120 hours. My friend who is on the same account Mr Andrew McDonald called me and found out what was going on in the past and etc he stated he knows and needs no more convincing that Scott has something personal against me and has it out for me. He then proceeded to tell me that that Sunday Mr Tomick offered him my truck to take over. I was confused I started to record our conversation. I immediately texted Ms. Noreen Lamont as I knew she would be back Sunday. I texted her I would like to give her my side of the story on what has transpired on Thursday with me and Mr Tomick. She replied Alishia I'm sorting through emails now I have nothing or know of anything give me a call so I did. Being on the phone almost a hour I explained everything to her. She said I can't believe I knew nothing of this no email, call text nothing. She said well I see he didn't give you any assignments for tomorrow either "in which was Monday" so I decided to go into the office that Monday morning. Once I got near the security gate I noticed my truck was gone. I asked security they didn't know where it was so I walked inside and talked to Ms Lamont. She stated she noticed it was gone but didn't thinking anything of it and would speak with "her boss Sidney" to see if Scott communicated

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anything with him about what was inspired with myself and him. No one knew nothing. Once again nothing was ever communicated with the Regional Manager at all. I then realized I should also record what we were talking about so I did. I then let Ms Lamont know I would like to be transferred I can't work with him. She stated "I asked Scott I don't see Alishia on any assignments" he replied to her I put her on the sheet" while standing in front of Ms Noreen she showed me that he had just penciled me in with a ? Mark next to it. She then admitted "Alishia something is wrong he has something against you" I said Ms. Noreen he's being petty he don't like me treats me differently and something isn't right. She then told me that I would have a break because he wasn't going to be at the office for a week. I thought to myself wow this isn't right. She told me to just try not to cross paths with him and etc. I then began to stop handing my paperwork in at night and wouldn't even use the restroom when I got out my truck. All of these facts are real I kept all proof, text, recordings, videos and etc.

2/21/2021

Alishia Anderson

EEOC Form 161-B (11/2020)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: **Alishia Anderson**
140 Hudson Ave APT 21
Poughkeepsie, NY 12601

From: **New York District Office**
33 Whitehall Street
5th Floor
New York, NY 10004

U.S. COURT OF APPEALS
 SECOND CIRCUIT
 RECEIVED
 FEB 28 2022



On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

520-2021-03865

Silvia Y. Deng-Batista,
Federal Investigator

(929) 506-5271

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)



More than 180 days have passed since the filing of this charge.



Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.



The EEOC is terminating its processing of this charge.



The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**



The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice**. Otherwise, your right to sue based on the above-numbered charge will be lost.



The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Gwendolyn D. Hoy

Digitally signed by Gwendolyn

D. Hoy

Date: 2021.12.31 16:24:33 -05'00' For

Enclosures(s)

Judy A. Keenan,
District Director

(Date Issued)

cc:

SCHNEIDER NATIONAL INC
901 Neelytown Rd
Montgomery, NY 12549

EEOC Form 5 (11/09)

| | | | |
|---|--|--|------------------------------------|
| CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form. | | Charge Presented To: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC 520-2021-03865 | |
| NEW YORK STATE DIVISION OF HUMAN RIGHTS and EEOC <i>State or local Agency, if any</i> | | | |
| Name (indicate Mr., Ms., Mrs.) ALISHIA ANDERSON | | Home Phone 347-385-4460 | Year of Birth |
| Street Address City, State and ZIP Code 140 HUDSON AVE APT 21, POUGHKEEPSIE, NY 12601 | | | |
| Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.) | | | |
| Name SCHNEIDER NATIONAL INC | | No. Employees, Members Unknown | Phone No. (845) 457-0005 |
| Street Address City, State and ZIP Code 901 NEELYTOWN RD, MONTGOMERY, NY 12549 | | | |
| Name | | No. Employees, Members | Phone No. |
| Street Address City, State and ZIP Code | | | |
| DISCRIMINATION BASED ON (Check appropriate box(es).) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify) | | DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 04-01-2021 04-01-2021 <input type="checkbox"/> CONTINUING ACTION | |
| THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)). I am a Female who has worked at the above-mentioned entity as a Tractor trailer class A driver, since the end of December of 2020 until I was terminated on September of 2020. I believe that I was discriminated against because of my sex. For many months Mr. Scott Tomick had been harassing me and I am certain that this was because I was a female. Mr. Tomick was the Driver business leader at the time and for two months was picking on me putting me in some bad situations. Mr. Tomick waited until our boss (the Regional manager) went away for a week for personal reasons and he was left in charge. On or about February of 2021, I ran out of driving hours and was told by Mr. Tomick that the specific parking to which I had arrived to didn't exist and when I called, the lady at the site told me that, no one had called her and building had been sold. I had to park my truck in a no commercial leaky fire. On or about April of 2021, Mr. Tomick placed me in a very bad hotel that the regional manager even said that they don't use that hotel ever and he knew it. I was out alone in the | | | |
| I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the above is true and correct. | | NOTARY - When necessary for State and Local Agency Requirements I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) | |
| Digitally signed by Alishia Anderson on 12-27-2021 03:42 PM EST | | | |

EEOC Form 5 (11/09)

| | |
|--|---|
| <p align="center">CHARGE OF DISCRIMINATION</p> <p>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</p> | <p>Charge Presented To: Agency(ies) Charge No(s):</p> <p><input type="checkbox"/> FEPA</p> <p><input checked="" type="checkbox"/> EEOC</p> <p align="right">520-2021-03865</p> |
| <p align="center">NEW YORK STATE DIVISION OF HUMAN RIGHTS and EEOC</p> <p align="center"><i>State or local Agency, if any</i></p> | |
| <p>dark to fend for myself waiting on an Uber's. On or about May or June of 2021 Mr. Tomick lied and told the regional manager that he had convinced me to work on a run when I had told him that I would not, at the security gate.</p> <p>On July 15, 2021, Mr. Tomick admitted that because I'm leaving the company soon to move and venture off that he did not need to look out for me versus someone who isn't leaving. Mr. Tomick also took my work assignment away and gave it to someone else as I was in the yard in my truck. I have so much proof of how Mr. Tomick treated me differently from the men at the site. I'm the only female on his fleet and, I've complained many times, and no one has done anything. Mr. Tomick admitted that because I called out of work on July 14, 2021, he was not going to risk having to recover a load and giving me someone good to run. Yet because another driver came from the airport late on the same day, he then offered me his run at after 21:00.</p> <p>Mr. Tomick has placed me under situations where, I could've gotten fired more than once, or put out of service.</p> <p>Mr. Tomick has even done intentional things so that I did not make money by not giving me any work just to be spiteful.</p> <p>I was the only Female on this fleet, and he did not treat the Male employees like this. I was terminated unfortunately because of an incident that took place when I dropped a trailer on or about September 15, 2021, and I was terminated a week later on or about the 23rd, 2021. I will like to request a Notice of Rights to Sue because I intend to sue my former employer because of the way that they covered up the situation. Everyone knew that he had something against me and did nothing about it.</p> <p>Based on the above, I believe that I was discriminated against in violation of Title VII of the Civil Rights Act of 1964, as amended.</p> | |

| | |
|--|---|
| <p>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p> | <p>NOTARY - <i>When necessary for State and Local Agency Requirements</i></p> |
| <p>I declare under penalty of perjury that the above is true and correct.</p> | <p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p> <p>SIGNATURE OF COMPLAINANT</p> |
| <p align="center">Digitally signed by Alishia Anderson on 12-27-2021 03:42 PM EST</p> | <p>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)</p> |

Alishia Anderson
140 Hudson Ave Apt 21
Poughkeepsie, NY 12601

~~Second Circuit~~

Pro Se Intake Unit RM 200
500 Pearl St.
New York, NY 10007



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